

Report Date: June 13, 2023

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Jun 14, 2023**

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Joel Nathaniel Ballard

Case Number: 0980 2:17CR00029-WFN-1

Address of Offender: [REDACTED] Spokane, Washington 99208

Name of Sentencing Judicial Officer: The Honorable Justin L. Quackenbush, Senior U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: June 23, 2017

Original Offense: Escape from Custody, 18 U.S.C. §§ 751(a), 4082(a)

Original Sentence: Prison - 18 Months; Type of Supervision: Supervised Release
TSR - 36 MonthsRevocation Sentence: Prison - 16 Months;
(February 2, 2022) TSR - 20 Months

Asst. U.S. Attorney: David Michael Herzog

Date Supervision Commenced: October 21, 2022

Defense Attorney: Amy H. Rubin

Date Supervision Expires: June 20, 2024

PETITIONING THE COURT

To issue a SUMMONS.

On October 21, 2022, Mr. Joel Ballard signed his conditions relative to case number 2:17CR00029-WFN-1, indicating he understood all conditions as ordered by the Court.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1

Mandatory Condition #3: You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

Supporting Evidence: Mr. Joel Ballard is alleged to have violated mandatory condition number 3 by ingesting marijuana on a multitude of occasions during the months of both May and June 2023, most recently occurring on or about June 9, 2023, based on both urinalysis testing and the client's admission of such use.

Specifically, and as the Court may recall, on May 17, 2023, a report for no action was filed with the Court in an effort to advise the Court of the client's then admitted use of marijuana, as previously occurring on or about May 3, 2023.

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On May 22, 2023, Mr. Ballard was contacted and directed to report to the U.S. Probation Office to submit to urinalysis testing to ensure that the client's previous use of marijuana had ceased. Mr. Ballard reported as directed and submitted a urine sample that tested presumptive positive for marijuana. Mr. Ballard denied any ongoing use of the substance beyond what was previously admitted and outlined in the petition dated May 17, 2023. The sample provided by Mr. Ballard was packaged and forwarded to the lab for confirmation.

On May 29, 2023, the undersigned officer received the lab confirmation regarding the client's aforementioned sample, which confirmed the sample was positive for marijuana. Given the client's previous denial of new use and the duration of time that had elapsed since his previous admission, an interpretation report was requested from the lab to determine the scope of the client's ongoing use, if any. On June 8, 2023, the undersigned officer received a detailed interpretation report, in which the lab presented and supported their position that the client had reused marijuana following his previous and original admission, occurring prior to his urine sample submitted on May 22, 2023.

On June 9, 2023, Mr. Ballard reported to the U.S. Probation Office as directed for further dialogue in response to his reported continued use of marijuana. As a part of that dialogue, Mr. Ballard admitted to significant and ongoing anxiety that he indicated had led to his continued use of marijuana while in the community. Mr. Ballard was unable to provide an exact number of times he had used the substance, but indicated he had experienced periods of time in which he had used the substance on multiple occasions throughout the day, as well as periods in which he did not use the substance at all for multiple days. Mr. Ballard indicated that he only used the substance in response to his overwhelming anxiety, indicating he did not believe any further use would occur as he was now prescribed medication to address this need. Mr. Ballard did sign a drug use admission form serving to document his most recent and admitted use of the substance as previously occurring on or about June 6, 2023.

2 **Special Condition #7:** You must not enter into or remain in any establishment where alcohol is the primary item of sale. You must abstain from alcohol and must submit to urinalysis and Breathalyzer testing as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from this substance.

Supporting Evidence: Mr. Joel Ballard is alleged to have violated special condition number 7 by ingesting alcohol on approximately five to six separate occasions during the months of May and June 2023, most recently occurring on or about June 3, 2023, based on the client's admission of such use.

Specifically, on June 9, 2023, Mr. Ballard reported to the U.S. Probation Office in Spokane, as directed, and in response to confirmed urinalysis testing to document the client's ongoing use of marijuana.

As a part of the dialogue, Mr. Ballard admitted to ingesting alcohol, occurring approximately five to six times since his original confirmed positive urine sample submitted by him on May 3, 2023. Mr. Ballard indicated that on occasion he would drink approximately "two fingers" of Crown Royal while in social settings with women. Mr. Ballard indicated his belief that he most recently drank alcohol on or about June 3, 2023, and he signed a drug use admission form serving to document the statement. Mr. Ballard admitted to having no justification for his use of alcohol, and indicated his awareness that alcohol was restricted based on his ordered conditions of supervised release.

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The U.S. Probation Office respectfully recommends the Court **issue a SUMMONS** requiring the offender to appear to answer to the allegation(s) contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: June 13, 2023

s/Chris Heinen

Chris Heinen
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons
- ☐ Other



Signature of Judicial Officer

6/14/2023

Date